

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

HERMAN TRYMAINE ROBINSON,

Plaintiff,

v.

NATIONAL CREDIT SYSTEMS, INC.,

Defendant.

No. 1:21-cv-34

**DEFENDANT NATIONAL CREDIT SYSTEMS, INC.'S
NOTICE OF REMOVAL**

Defendant National Credit Systems, Inc. (“Defendant”) files this *Notice of Removal* of this action from the Iowa District Court for Linn County to the United States District Court for the Northern District of Iowa as follows:

1. Plaintiff Hernman Trymaine Robinson (“Plaintiff”) filed his Small Claims Original Notice (“Complaint”) on February 11, 2011, in the Iowa District Court for Linn County.
2. This is a civil action based on Plaintiff’s contentions that Defendant has violated the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”).
3. Removal is proper because this case involves a federal question – alleged violations of the FCRA. Therefore, the suit is removable under 28 U.S.C. § 1441(a).
4. Removal is timely pursuant to 28 U.S.C. § 1446(b) because Defendant has filed this Notice of Removal within 30 days of receipt of Plaintiff’s Complaint. Defendant received a copy of the Complaint on February 22, 2021.¹ Exhibit A.

¹ Service was not properly effectuated upon Defendant as no attempt has been made to serve Defendant’s registered agent. *See* Iowa Code Ch. 490.504. Defendant’s registered agent in the State of Iowa is C T Corporation System, 400 E Court Ave, Des Moines, IA 50309. Instead, the Complaint was mailed to a physical address associated with Defendant. Exhibit A.

5. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

6. Pursuant to 28 U.S.C. § 1446(a) and LR 81, copies of all process, pleadings, orders and other papers filed in this action and obtained by Defendant and a list of all counsel of record, including addresses, telephone numbers and parties represented, are attached hereto and incorporated herein by reference. Exhibit B; Exhibit C.

7. Notice of this removal will be promptly filed with the Iowa District Court for Linn County and be served on all adverse parties.

8. Plaintiff did not request a jury trial in state court.

For the above reasons, Defendant National Credit Systems, Inc. requests that this Court assume full jurisdiction over the proceeding as provided by law.

Dated: March 24, 2021.

Respectfully submitted,

MALONE FROST MARTIN PLLC

/s/ Mike Frost

Michael L. Frost (AT0002685)
MALONE FROST MARTIN PLLC
1025 Tech Pkwy, Ste. J
Cedar Falls, IA 50613
mfrost@mamlaw.com
COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing motion was served upon all counsel of record via the Court E-Filing system, this 24th day of March, 2020:

Herman Robinson
830 21st Ave SW
Cedar Rapids, IA 52404

/s/ Mike Frost

Michael Frost